

NOT FOR PUBLICATION

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

IKE JACOBSON,	:	
	:	
Petitioner,	:	Civil Action No. 12-1258 (ES)
	:	
v.	:	MEMORANDUM OPINION
	:	
UNITED STATES OF AMERICA,	:	
	:	
Respondent.	:	

THE COURT having issued a Memorandum Opinion and Order on April 5, 2013 dismissing Petitioner's petition for a writ of *coram nobis* with prejudice; and

IT APPEARING that on August 29, 2013, Petitioner filed a pro se¹ motion requesting that this Court "re-issue" its September 4, 2012 decision so that Petitioner's thirty-day appeal period will re-start (D.E. No. 9)²; and Petitioner arguing that, although his counsel informed the Court of counsel's new address (D.E. No. 7), counsel failed to inform Petitioner and, as a result, Petitioner did not receive a copy of the Court's April 5, 2013 decision (D.E. No. 8) denying the petition; and Petitioner further arguing that the time period within which he could file an appeal of the Court's April 5th Opinion and Order has now since expired and he therefore requests that the Court "re-issue" its decision; and

¹ According to the docket, Petitioner is still represented by counsel. However, based on information contained in Petitioner's motion, it appears that he is no longer represented. (D.E. No. 9 at 4).

² Although Petitioner states that he would like the Court to re-issue its September 4, 2012 Order, it appears that he actually meant the April 5, 2013 Opinion and Order. The September 4th Order only administratively terminated the case due to Petitioner's failure to provide a current mailing address and that order was effectively withdrawn when the Court entered its April 5th Opinion and Order re-opening the case and addressing the petition on its merits. (See D.E. Nos. 3 & 8).

THE COURT finding that Federal Rule of Appellate Procedure 4(a)(6) provides that, when a party does not receive notice of a judgment in accordance with Federal Rule of Civil Procedure 77(d), the district court may reopen the time to file an appeal if a motion to reopen is filed within 180 days after the judgment is entered, or within fourteen days after the party receives notice, whichever is earlier, *see Bowles v. Russell*, 551 U.S. 205, 208-09 (2007); and

THE COURT further finding that Petitioner states that he received a copy of the Opinion and Order denying his petition on June 10, 2013 (D.E. No. 9 at 4); however, Petitioner did not file his motion seeking to re-open the time to file an appeal until August 29, 2013—well beyond the fourteen-day time period permitted by Federal Rule of Appellate Procedure 4(a)(6); and the Court having considered the matter without oral argument pursuant to Rule 78(b) and Local Civil Rule 7.1(i); and for good cause appearing, Petitioner's motion is DENIED; the Court will issue an appropriate order.

s/Esther Salas
Esther Salas, U.S.D.J.